



HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.,

Defendant.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

NEXPOINT ADVISORS, L.P., JAMES  
DONDERO, NANCY DONDERO, AND  
THE DUGABOY INVESTMENT TRUST,

Defendants.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT  
SERVICES, INC., JAMES DONDERO,  
NANCY DONDERO, AND THE DUGABOY  
INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-03004-sgj

Case No. 3:21-cv-00881-X

Adv. Proc. No. 21-03005-sgj

Case No. 3:21-cv-00880-C

Adv. Proc. No. 21-03006-sgj

Case No. 3:21-cv-01378-N



Highland provided notice of the Hearing in each of the Notes Actions.<sup>2</sup> Subsequently, the Fifth Circuit Court of Appeals gave notice that oral argument on the pending appeal of this Court's *Order (i) Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief* [Bankr. Dkt. No. 1943] would take place on March 8, 2022—the same date as the Hearing on the Summary Judgment Motion.

3. Because of the scheduling conflict, good cause exists to continue the Hearing. Accordingly, Highland respectfully requests that the Court continue the Hearing on the Summary Judgment Motion to Wednesday, March 23, 2022, at 9:30 a.m. (Central Time).

4. This Motion is made in good faith and not for the purposes of delay. Counsel for the defendants in the Notes Actions have confirmed that they are available for the continued Hearing on March 23, 2022.

WHEREFORE, Highland respectfully requests that the Court enter an order (i) granting the Motion, (ii) continuing the Hearing on the Summary Judgment Motion to March 23, 2022, at 9:30 a.m. (Central Time), and (iii) granting Highland such additional relief as is just and necessary.

---

<sup>2</sup> Adv. Proc. No. 21-3003, Dkt. No. 139; Adv. Proc. No. 21-3004, Dkt. No. 98; Adv. Proc. No. 21-3005, Dkt. No. 139; Adv. Proc. No. 21-3006, Dkt. No. 140; and Adv. Proc. No. 21-3007, Dkt. No. 131.

Dated: February 9, 2022.

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (CA Bar No.143717) (*pro hac vice*)  
John A. Morris (NY Bar No. 266326) (*pro hac vice*)  
Gregory V. Demo (NY Bar No. 5371992) (*pro hac vice*)  
Hayley R. Winograd (NY Bar No. 5612569) (*pro hac vice*)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
E-mail: jpomerantz@pszjlaw.com  
jmorris@pszjlaw.com  
gdemo@pszjlaw.com  
hwinograd@pszjlaw.com

-and-

**HAYWARD PLLC**

*/s/ Zachery Z. Annable*

---

Melissa S. Hayward  
Texas Bar No. 24044908  
MHayward@HaywardFirm.com  
Zachery Z. Annable  
Texas Bar No. 24053075  
ZAnnable@HaywardFirm.com  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100  
Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P.*